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1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
3 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
4 with the secretary and shall comply with every request of the secretary relating to
5 his or her functions.

6 *b0097/2.5*SECTION 49r. 16.004 (12) (a) of the statutes is amended to read:

7 16.004 (12) (a) In this subsection, "state agency" means an association,
8 authority, board, department, commission, independent agency, institution, office,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, including the legislature, the office of the governor, and the
11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
12 the Wisconsin Aerospace Authority, the Health Insurance Risk Sharing Plan
13 Authority, the Lower Fox River Remediation Authority, the Wisconsin Economic
14 Development Corporation, and the Fox River Navigational System Authority."

A

15 ✓ *b0040/P2.1*32. Page 72, line 9: delete that line.

16 ✓ *b0127/P1.1*33. Page 72, line 15: delete lines 15 to 19.

17 ✓ *b0097/2.6*34. Page 72, line 19: after that line insert:

18 ✓ *b0097/2.6*SECTION 54c. 16.045 (1) (a) of the statutes is amended to read:

19 16.045 (1) (a) "Agency" means an office, department, independent agency,
20 institution of higher education, association, society, or other body in state
21 government created or authorized to be created by the constitution or any law, that
22 is entitled to expend moneys appropriated by law, including the legislature and the
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
24 ch. 149 or in ch. 231, 232, 233, 234, 237, 238, or 279.

B

1 ✓ ***b0097/2.6*SECTION 54f.** 16.15 (1) (ab) of the statutes is amended to read:

2 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
3 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
4 River Remediation Authority, and the Wisconsin Economic Development
5 Corporation, ~~and the Health Insurance Risk-Sharing Plan Authority.”.~~

6 ✓ ***b0126/1.1*35.** Page 72, line 19: after that line insert:

7 ✓ ***b0126/1.1*SECTION 54m.** 16.08 of the statutes is created to read:

8 **16.08 Reimbursement of businesses for assisting local governmental**
9 **units in establishing efficiency programs. (1) In this section:**

10 (a) “Business” means a sole proprietorship, partnership, limited liability
11 company, joint venture, corporation, or other organization or enterprise, whether
12 operated for profit or not for profit.

13 (b) “Chief elected official” means the mayor of a city or, if the city is organized
14 under subch. I of ch. 64, the president of the council of that city, the village president
15 of a village, the town board chairperson of a town, or the county executive of a county,
16 or, if the county does not have a county executive, the chairperson of the county board
17 of supervisors.

18 (c) “Lean program” means a program established by a governmental unit to
19 increase the value of the goods and services it provides with the fewest possible
20 resources. Such a program should develop administrative structures and processes
21 that minimize human effort, building and office space, capital, and time in the
22 provision of goods and services.

23 (d) “Local governmental unit” means a city, village, town, or county.

1 **(2)** (a) A local governmental unit may enter into an agreement with a business
2 to assist the local governmental unit in establishing a lean program. A local
3 governmental unit that enters into such an agreement shall establish a steering
4 committee to oversee the implementation of the lean program.

5 (b) After providing assistance to a local governmental unit, the business shall
6 submit to the local governmental unit an invoice for the cost of its services. A
7 business may not submit an invoice for the cost of any services provided by another
8 entity that performed services for the business.

9 (c) After the local governmental unit has established its lean program, the chief
10 elected official of the local governmental unit to which an invoice is submitted under
11 par. (b) shall certify the invoice and submit the certified invoice to the department
12 for reimbursement. An invoice may be submitted not more than 2 times in any
13 5-year period.

14 **(3)** From the appropriation account under s. 20.505 (1) (dv), the department
15 shall pay directly to businesses the amounts in the certified invoices submitted
16 under sub. (2) (c), subject to a maximum payment of \$2,000 per invoice. If the
17 department determines that the amount of moneys appropriated under s. 20.505 (1)
18 (dv) is not sufficient to pay the amounts in the certified invoices, the department may
19 prorate the amount of its payments.

20 **(4)** Each local governmental unit that establishes a lean program with the
21 assistance of a business that received a reimbursement under sub. (3) shall submit
22 a report to the department describing and documenting the achieved efficiencies
23 under the program. The local governmental unit shall submit the report no later
24 than one year after establishing its lean program.

1 (5) If the department enters into an agreement with a business to provide
2 services for a lean program, the department shall ensure that the business agrees
3 to provide services to any local governmental unit for its lean program at the same
4 rate.”.

5 ✓ *b0226/5.10***36**. Page 75, line 13: delete “or property that is operated under
6 contract”.

7 ✓ *b0226/5.11***37**. Page 75, line 15: delete “or under contractual operation”.

8 ✓ *b0097/2.7***38**. Page 75, line 15: after that line insert:

9 ✓ “*b0097/2.7***SECTION 65m**. 16.41 (4) of the statutes is amended to read:

10 16.41 (4) In this section, “authority” means a body created under subch. II of
11 ch. 114 ~~or subch. III of ch. 149~~ or under ch. 231, 233, 234, 237, 238, or 279.

12 ✓ *b0097/2.7***SECTION 65p**. 16.417 (1) (a) of the statutes is amended to read:

13 16.417 (1) (a) “Agency” means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, ~~but not including an authority or the body created under subch. III of ch.~~
18 ~~149.~~”.

19 ✓ *b0128/1.1***39**. Page 75, line 15: after that line insert:

20 ✓ “*b0128/1.1***SECTION 65m**. 16.42 (3) of the statutes is created to read:

21 16.42 (3) The department shall include in its agency request under sub. (1) a
22 proposal to eliminate any council, board, or commission that has not held a meeting
23 since the preceding September 15, unless the council, board, or commission is
24 required to exist under federal law.”.

1 ✓ *b0129/3.1*40. Page 75, line 15: after that line insert:

2 ✓ “*b0129/3.1*SECTION 65b. 16.413 (title) of the statutes is amended to read:

3 16.413 (title) **Disclosure of expenditures relating to state–agency**
4 **government operations and state agency government contracts and grants.**

5 ✓ *b0129/3.1*SECTION 65d. 16.413 (1) (bm) of the statutes is created to read:

6 16.413 (1) (bm) “Municipality” means a city, village, or town having a
7 population of 5,000 or more or a county.

8 ✓ *b0129/3.1*SECTION 65f. 16.413 (4) of the statutes is created to read:

9 16.413 (4) MUNICIPAL EXPENDITURES FOR OPERATIONS. (a) Beginning on
10 September 1, 2016, the department shall ensure that all municipal expenditures for
11 municipal operations exceeding \$100, including salaries and fringe benefits paid to
12 municipal employees, are available for inspection on the searchable Internet Web
13 site under sub. (2) (a). Copies of each financial instrument relating to these
14 expenditures, other than payments relating to municipal employee salaries, shall be
15 available for inspection on the searchable Internet Web site under sub. (2) (a).

16 (b) The department shall categorize the expenditure information under par. (a)
17 by municipality, expenditure category, expenditure amount, and the person to whom
18 the expenditure is made. If any of the expenditure information may be found on other
19 Web sites, the department shall ensure that the information is accessible through the
20 searchable Internet Web site under sub. (2) (a).

21 (c) Beginning on September 1, 2016, municipalities shall provide the
22 department with all expenditure information required under par. (a). The
23 department may specify the format in which municipalities provide the expenditure
24 information.

1 ✓ ***b0129/3.1*SECTION 65h.** 16.413 (5) of the statutes is created to read:

2 16.413 (5) MUNICIPAL CONTRACTS AND GRANTS. (a) Beginning on September 1,
3 2016, the department shall ensure that all of the following information relating to
4 each grant made by a municipality or contract entered into by a municipality is
5 available for inspection on the searchable Internet Web site under sub. (2) (a):

6 1. A copy of the contract and grant award.

7 2. The municipality making the grant or entering into the contract.

8 3. The name and address of the person receiving the grant or entering into the
9 contract.

10 4. The purpose of the grant or contract.

11 5. The amount of the grant or the amount the municipality must expend under
12 the contract and the name of the municipal fund from which the grant is paid or
13 moneys are expended under the contract.

14 (b) Beginning on September 1, 2016, municipalities shall provide the
15 department with all of the information required under par. (a). The department may
16 specify the format in which municipalities provide the information. The department
17 shall make the information available on the searchable Internet Web site under sub.
18 (2) (a).”.

19 ✓ ***b0188/4.1*41.** Page 75, line 16: delete lines 16 to 21 and substitute:

20 ✓ ***b0188/4.1*SECTION 67m.** 16.505 (2m) of the statutes is amended to read:

21 16.505 (2m) The board of regents of the University of Wisconsin System or the
22 chancellor of the University of Wisconsin–Madison may create or abolish a full–time
23 equivalent position or portion thereof, other than positions funded from the
24 appropriation under s. 20.285 (1) (a). Beginning on July 1, ~~2013~~ 2015, all positions

1 authorized for the University of Wisconsin shall not be included in any state position
2 report. No later than the last day of the month following completion of each calendar
3 quarter, the board of regents shall report to the department and the cochairpersons
4 of the joint committee on finance concerning the number of full-time equivalent
5 positions created or abolished by the board under this subsection during the
6 preceding calendar quarter and the source of funding for each such position.”.

7 ✓ ***b0097/2.8*42.** Page 75, line 21: after that line insert:

8 ✓ ***b0097/2.8*SECTION 67d.** 16.52 (7) of the statutes is amended to read:

9 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
10 that is authorized to maintain a contingent fund under s. 20.920 may establish a
11 petty cash account from its contingent fund. The procedure for operation and
12 maintenance of petty cash accounts and the character of expenditures therefrom
13 shall be prescribed by the secretary. In this subsection, “agency” means an office,
14 department, independent agency, institution of higher education, association,
15 society, or other body in state government created or authorized to be created by the
16 constitution or any law, that is entitled to expend moneys appropriated by law,
17 including the legislature and the courts, but not including an authority created in
18 subch. II of ch. 114 ~~or subch. III of ch. 149~~ or in ch. 231, 233, 234, 237, 238, or 279.

19 ✓ ***b0097/2.8*SECTION 67f.** 16.528 (1) (a) of the statutes is amended to read:

20 16.528 (1) (a) “Agency” means an office, department, independent agency,
21 institution of higher education, association, society, or other body in state
22 government created or authorized to be created by the constitution or any law, that
23 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority created in subch. II of ch. 114 ~~or subch. III of~~
2 ~~ch. 149~~ or in ch. 231, 233, 234, 237, 238, or 279.

3 ✓ ***b0097/2.8*SECTION 67h.** 16.53 (2) of the statutes is amended to read:

4 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
5 invoice, the agency shall notify the sender of the invoice within 10 working days after
6 it receives the invoice of the reason it is improperly completed. In this subsection,
7 “agency” means an office, department, independent agency, institution of higher
8 education, association, society, or other body in state government created or
9 authorized to be created by the constitution or any law, that is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in subch. II of ch. 114 ~~or subch. III of ch. 149~~ or in ch.
12 231, 233, 234, 237, 238, or 279.

13 ✓ ***b0097/2.8*SECTION 67j.** 16.54 (9) (a) 1. of the statutes is amended to read:

14 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 ~~or subch. III of~~
19 ~~ch. 149~~ or in ch. 231, 233, 234, 237, 238, or 279.”.

20 ✓ ***b0261/2.1*43.** Page 75, line 21: after that line insert:

21 ✓ **“*b0261/2.1*SECTION 67m.** 16.531 (4) of the statutes is created to read:

22 16.531 (4) This section does not apply to actual or projected imbalances in the
23 unemployment reserve fund or to loans to the fund made under s. 20.002 (11) (b) 3m.”.

1 ✓ ***b0040/P2.2*44.** Page 75, line 22: delete the material beginning with that
2 line and ending with page 76, line 21.

****NOTE: This amendment item removes the definition for "commodity," but "commodity" is used in the created s. 16.705 (2) (b) (SECTION 84 of the bill) which is not yanked. If you want to retain that definition for s. 16.705 (2) (b), please let me know.

3 ***b0097/2.9*45.** Page ⁷⁶75, line ²¹24: after that line insert:

4 ✓ ***b0097/2.9*SECTION 68c.** 16.70 (2) of the statutes, as affected by 2013
5 Wisconsin Act (this act), is amended to read:

6 16.70 (2) "Authority" means a body created under subch. II of ch. 114 ~~or subch.~~
7 ~~III of ch. 149~~ or under ch. 231, 232, 233, 234, 237, 238, or 279."

8 ✓ ***b0134/P2.1*46.** Page 77, line 4: after "sub. (1)" insert ", and the department
9 may permit prospective vendors to provide product or service information, as
10 provided in sub. (2), through the electronic procurement system".

11 ✓ ***b0134/P2.2*47.** Page 77, line 8: delete lines 8 to 13.

12 ✓ ***b0040/P2.3*48.** Page 77, line 20: delete "other delegated" and substitute
13 "other".

14 ✓ ***b0040/P2.4*49.** Page 77, line 24: delete "other delegated" and substitute
15 "other".

16 ✓ ***b0040/P2.5*50.** Page 78, line 1: delete "other delegated" and substitute
17 "other".

18 ✓ ***b0040/P2.6*51.** Page 78, line 4: delete lines 4 to 8.

19 ✓ ***b0040/P2.7*52.** Page 78, line 22: delete the material beginning with that
20 line and ending with page 79, line 3.

1 ***b0040/P2.8*53.** Page 79, line 7: delete the material beginning with “and its
2 designated agents” and ending with “agency” on line 8 and substitute “and its
3 designated agents”.

****NOTE: I kept the increased threshold for cost-benefits analyses (current law is \$25,000 and this bill increases it to \$50,000). It is mentioned in both LFB Summary Item 3., which is yanked, and LFB Summary Item 4., which is not yanked. Please let me know if this should be part of the yank. I also kept the “commodity” exemption in bill SECTION 84; I wasn’t sure if it should have been kept as part of LFB Summary Item 4., which is not yanked, or if it should have been yanked as part of LFB Summary Item 7., which is yanked.

4 ✓ ***b0125/P1.1*54.** Page 80, line 7: delete that line.

5 ✓ ***b0125/P1.2*55.** Page 80, line 8: delete “3.” and substitute “2.”.

6 ✓ ***b0125/P1.3*56.** Page 80, line 10: delete “4.” and substitute “3.”.

7 ✓ ***b0125/P1.4*57.** Page 80, line 12: delete that line.

8 ✓ ***b0125/P1.5*58.** Page 80, line 13: delete “6.” and substitute “4.”.

9 ***b0040/P2.9*59.** Page 80, line 15: delete the material beginning with that
10 line and ending on page 84, line 20.

11 ✓ ***b0097/2.10*60.** Page 83, line 3: after that line insert:

12 ✓ ***b0097/2.10*SECTION 91c.** 16.72 (2) (e) (intro.) of the statutes, as affected by
13 2013 Wisconsin Act (this act), is amended to read:

14 16.72 (2) (e) (intro.) In writing the specifications under this subsection, the
15 department or delegated agency shall incorporate requirements for the purchase of
16 products made from recycled materials and recovered materials if their use is
17 technically and economically feasible. Each authority other than the University of
18 Wisconsin Hospitals and Clinics Authority, and the Lower Fox River Remediation
19 Authority, ~~and the Health Insurance Risk-Sharing Plan Authority,~~ in writing
20 specifications for purchasing by the authority, shall incorporate requirements for the

1 purchase of products made from recycled materials and recovered materials if their
2 use is technically and economically feasible. The specifications shall include
3 requirements for the purchase of the following materials:"

4 ✓*b0097/2.11***61**. Page 83, line 15: after that line insert:

5 ✓*b0097/2.11***SECTION 92c**. 16.72 (2) (f) of the statutes, as affected by 2013
6 Wisconsin Act (this act), is amended to read:

7 16.72 (2) (f) In writing specifications under this subsection, the department,
8 any delegated agency, and each authority other than the University of Wisconsin
9 Hospitals and Clinics Authority, and the Lower Fox River Remediation Authority,
10 ~~and the Health Insurance Risk-Sharing Plan Authority~~ shall incorporate
11 requirements relating to the recyclability and ultimate disposition of products and,
12 wherever possible, shall write the specifications so as to minimize the amount of solid
13 waste generated by the state, consistent with the priorities established under s.
14 287.05 (12). All specifications under this subsection shall discourage the purchase
15 of single-use, disposable products and require, whenever practical, the purchase of
16 multiple-use, durable products.".

17 ✓*b0040/P2.10***62**. Page 84, line 22: delete the material beginning with
18 "department or a" and ending with "agency" on line 23 and substitute "department".

19 ✓*b0040/P2.11***63**. Page 85, line 6: delete the material beginning with that
20 line and ending on page 89, line 5.

21 ✓*b0097/2.12***64**. Page 87, line 4: after that line insert:

22 ✓*b0097/2.12***SECTION 102c**. 16.75 (1m) of the statutes, as affected by 2013
23 Wisconsin Act (this act), is amended to read:

1 16.75 (1m) The department or a delegated agency shall award each order or
2 contract for materials, supplies or equipment on the basis of life cycle cost estimates,
3 whenever such action is appropriate. Each authority other than the University of
4 Wisconsin Hospitals and Clinics Authority, the Lower Fox River Remediation
5 Authority, and the Wisconsin Aerospace Authority, ~~and the Health Insurance~~
6 ~~Risk-Sharing Plan Authority~~ shall award each order or contract for materials,
7 supplies or equipment on the basis of life cycle cost estimates, whenever such action
8 is appropriate. The terms, conditions and evaluation criteria to be applied shall be
9 incorporated in the solicitation of bids or proposals. The life cycle cost formula may
10 include, but is not limited to, the applicable costs of energy efficiency, acquisition and
11 conversion, money, transportation, warehousing and distribution, training,
12 operation and maintenance and disposition or resale. The department shall prepare
13 documents containing technical guidance for the development and use of life cycle
14 cost estimates, and shall make the documents available to interested parties,
15 including local governmental units.”

16 ✓*b0040/P2.12*65. Page 89, line 7: delete “, a delegated agency,” and
17 substitute “, any agency to which the department delegates purchasing authority
18 under s. 16.71 (1),”.

19 ✓*b0040/P2.13*66. Page 89, line 11: delete “, a delegated agency,” and
20 substitute “, any agency to which the department delegates purchasing authority
21 under s. 16.71 (1),”.

22 ✓*b0040/P2.14*67. Page 89, line 16: delete the material beginning with
23 “department, a” and ending with “agency, and” on line 17 and substitute

Change component ↓

1 “department, any agency to which the department delegates purchasing authority
2 under s. 16.71 (1), and”.

3 ✓ *b0040/P2.15*68. Page 89, line 25: delete “a delegated” and substitute “the
4 delegated”.

5 ✓ *b0040/P2.16*69. Page 90, line 4: delete the material beginning with that
6 line and ending on page 93, line 24.

7 ✓ *b0130/P1.1*70. Page 90, line 4: ~~delete lines 4 to 23 and substitute:~~

8 ✓ “*b0130/P1.1*SECTION 114b. 16.75 (3t) (c) (intro.) of the statutes is
9 renumbered 16.75 (3t) (c) and amended to read:

10 16.75 (3t) (c) The department of corrections shall periodically provide to the
11 department of administration a current list of all materials, supplies, equipment, or
12 contractual services, excluding commodities, that are supplied by prison industries,
13 as created under s. 303.01. The department of administration shall distribute the
14 list to all designated purchasing agents under s. 16.71 (1).

15 (d) 1. Except as otherwise provided in this subdivision and in sub. (6) (am), prior
16 to seeking bids or competitive sealed proposals with respect to the purchase of any
17 materials, supplies, equipment, or contractual services enumerated in the list
18 provided under par. (c), except for furniture as provided in subd. 2., the department
19 of administration or any other designated purchasing agent under s. 16.71 (1) shall
20 offer prison industries the opportunity to supply the materials, supplies, equipment,
21 or contractual services if the department of corrections is able to provide them at a
22 price that is equal to or lower than one which may be obtained through competitive
23 bidding or competitive sealed proposals and is able to conform to the specifications.
24 If the department of administration or other purchasing agent is unable to determine

93 → 24 after that line insert

1 whether the price of prison industries is equal to or lower than one obtained through
2 competitive bidding or competitive sealed proposals, it may solicit bids or
3 competitive proposals before awarding the order or contract. This paragraph

4 (e) Paragraph (d) 1. does not apply to the printing of the following forms:

5 ✓ *b0130/P1.1*SECTION 114bd. 16.75 (3t) (d) 2. of the statutes is created to read:

6 16.75 (3t) (d) 2. Except as otherwise provided in this subdivision, prior to
7 seeking bids or competitive sealed proposals with respect to the purchase of any
8 furniture enumerated in the list provided under par. (c), the department of
9 administration or any other designated purchasing agent under s. 16.71 (1) shall
10 offer prison industries the opportunity to supply the furniture if the department of
11 corrections is able to provide it at a price that is comparable to one that may be
12 obtained through competitive bidding or competitive sealed proposals and is able to
13 conform to the specifications. If the department of administration or other
14 purchasing agent is unable to determine whether the price of prison industries is
15 comparable to one obtained through competitive bidding or competitive sealed
16 proposals, it may solicit bids or competitive proposals before awarding the order or
17 contract.”.

****NOTE: Rachel, if the yank b0040 is not included in the substitute amendment,
this provision will need to be redrafted to include the changes in SECTION 114 of AB-40.

18

*b0097/2.13*71. Page 92, line 11: after that line insert:

19 ✓ “*b0097/2.13*SECTION 118c. 16.75 (8) (a) 1. of the statutes, as affected by 2013
20 Wisconsin Act (this act), is amended to read:

21 16.75 (8) (a) 1. The department, any delegated agency, any agency making
22 purchases under s. 16.74, and each authority other than the University of Wisconsin
23 Hospitals and Clinics Authority, and the Lower Fox River Remediation Authority;

1 ~~and the Health Insurance Risk-Sharing Plan Authority~~ shall, to the extent
2 practicable, make purchasing selections using specifications developed under s.
3 16.72 (2) (e) to maximize the purchase of materials utilizing recycled materials and
4 recovered materials.

5 ✓*b0097/2.13*SECTION 118e. 16.75 (8) (a) 2. of the statutes is amended to read:

6 16.75 (8) (a) 2. Each agency and authority other than the University of
7 Wisconsin Hospitals and Clinics Authority, and the Lower Fox River Remediation
8 Authority, ~~and the Health Insurance Risk-Sharing Plan Authority~~ shall ensure that
9 the average recycled or recovered content of all paper purchased by the agency or
10 authority measured as a proportion, by weight, of the fiber content of paper products
11 purchased in a fiscal year, is not less than 40% of all purchased paper.”.

12 ✓*b0097/2.14*72. Page ⁹³92, line ²⁴18: after that line insert:

13 ✓**b0097/2.14*SECTION 119c. 16.75 (9) of the statutes, as affected by 2013
14 Wisconsin Act (this act), is amended to read:

15 16.75 (9) The department, any delegated agency, any agency making purchases
16 under s. 16.74, and any authority other than the University of Wisconsin Hospitals
17 and Clinics Authority, and the Lower Fox River Remediation Authority, ~~and the~~
18 ~~Health Insurance Risk-Sharing Plan Authority~~ shall, to the extent practicable,
19 make purchasing selections using specifications prepared under s. 16.72 (2) (f).”.

20 ✓*b0097/2.15*73. Page 93, line 24: after that line insert:

21 ✓**b0097/2.15*SECTION 122c. 16.765 (1) of the statutes is amended to read:

22 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority~~, the Lower

1 Fox River Remediation Authority, the Wisconsin Economic Development
2 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
3 include in all contracts executed by them a provision obligating the contractor not
4 to discriminate against any employee or applicant for employment because of age,
5 race, religion, color, handicap, sex, physical condition, developmental disability as
6 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national
7 origin and, except with respect to sexual orientation, obligating the contractor to take
8 affirmative action to ensure equal employment opportunities.

9 ✓ ***b0097/2.15*SECTION 122d.** 16.765 (2) of the statutes is amended to read:

10 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
12 Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority,~~ the Lower
13 Fox River Remediation Authority, the Wisconsin Economic Development
14 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
15 include the following provision in every contract executed by them: “In connection
16 with the performance of work under this contract, the contractor agrees not to
17 discriminate against any employee or applicant for employment because of age, race,
18 religion, color, handicap, sex, physical condition, developmental disability as defined
19 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
20 not be limited to, the following: employment, upgrading, demotion or transfer;
21 recruitment or recruitment advertising; layoff or termination; rates of pay or other
22 forms of compensation; and selection for training, including apprenticeship. Except
23 with respect to sexual orientation, the contractor further agrees to take affirmative
24 action to ensure equal employment opportunities. The contractor agrees to post in
25 conspicuous places, available for employees and applicants for employment, notices

1 to be provided by the contracting officer setting forth the provisions of the
2 nondiscrimination clause”.”.

3 ✓ ***b0097/2.16*74.** Page 93, line 25: before that line insert:

4 ✓ ***b0097/2.16*SECTION 122e.** 16.765 (4) of the statutes is amended to read:

5 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
7 Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority~~, the Lower
8 Fox River Remediation Authority, and the Bradley Center Sports and
9 Entertainment Corporation shall take appropriate action to revise the standard
10 government contract forms under this section.

11 ✓ ***b0097/2.16*SECTION 122f.** 16.765 (5) of the statutes is amended to read:

12 16.765 (5) The head of each contracting agency and the boards of directors of
13 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
14 Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Health
15 Insurance Risk-Sharing Plan Authority~~, the Lower Fox River Remediation
16 Authority, the Wisconsin Economic Development Corporation, and the Bradley
17 Center Sports and Entertainment Corporation shall be primarily responsible for
18 obtaining compliance by any contractor with the nondiscrimination and affirmative
19 action provisions prescribed by this section, according to procedures recommended
20 by the department. The department shall make recommendations to the contracting
21 agencies and the boards of directors of the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority~~, the Lower
24 Fox River Remediation Authority, the Wisconsin Economic Development

1 Corporation, and the Bradley Center Sports and Entertainment Corporation for
2 improving and making more effective the nondiscrimination and affirmative action
3 provisions of contracts. The department shall promulgate such rules as may be
4 necessary for the performance of its functions under this section.

5 ✓ ***b0097/2.16*SECTION 122g.** 16.765 (6) of the statutes is amended to read:

6 16.765 (6) The department may receive complaints of alleged violations of the
7 nondiscrimination provisions of such contracts. The department shall investigate
8 and determine whether a violation of this section has occurred. The department may
9 delegate this authority to the contracting agency, the University of Wisconsin
10 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
11 Wisconsin Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority,~~
12 the Lower Fox River Remediation Authority, the Wisconsin Economic Development
13 Corporation, or the Bradley Center Sports and Entertainment Corporation for
14 processing in accordance with the department's procedures.

15 ✓ ***b0097/2.16*SECTION 122h.** 16.765 (7) (intro.) of the statutes is amended to
16 read:

17 16.765 (7) (intro.) When a violation of this section has been determined by the
18 department, the contracting agency, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan Authority,~~ the Lower
21 Fox River Remediation Authority, the Wisconsin Economic Development
22 Corporation, or the Bradley Center Sports and Entertainment Corporation, the
23 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the
24 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, ~~the~~
25 ~~Health Insurance Risk-Sharing Plan Authority,~~ the Lower Fox River Remediation

1 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
2 Sports and Entertainment Corporation shall:

3 ✓ ***b0097/2.16*SECTION 122i.** 16.765 (7) (d) of the statutes is amended to read:

4 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
5 further violations of this section and to report its corrective action to the contracting
6 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
7 Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Health~~
8 ~~Insurance Risk-Sharing Plan Authority~~, the Lower Fox River Remediation
9 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
10 Sports and Entertainment Corporation.

11 ✓ ***b0097/2.16*SECTION 122j.** 16.765 (8) of the statutes is amended to read:

12 16.765 (8) If further violations of this section are committed during the term
13 of the contract, the contracting agency, the Fox River Navigational System Authority,
14 the Wisconsin Aerospace Authority, ~~the Health Insurance Risk-Sharing Plan~~
15 ~~Authority~~, the Lower Fox River Remediation Authority, the Wisconsin Economic
16 Development Corporation, or the Bradley Center Sports and Entertainment
17 Corporation may permit the violating party to complete the contract, after complying
18 with this section, but thereafter the contracting agency, the Fox River Navigational
19 System Authority, the Wisconsin Aerospace Authority, ~~the Health Insurance~~
20 ~~Risk-Sharing Plan Authority~~, the Lower Fox River Remediation Authority, the
21 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
22 Entertainment Corporation shall request the department to place the name of the
23 party on the ineligible list for state contracts, or the contracting agency, the Fox River
24 Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Health~~
25 ~~Insurance Risk-Sharing Plan Authority~~, the Lower Fox River Remediation

1 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
2 Sports and Entertainment Corporation may terminate the contract without liability
3 for the uncompleted portion or any materials or services purchased or paid for by the
4 contracting party for use in completing the contract.”.

5 ✓ *b0226/5.12*75. Page 94, line 3: delete “not” and substitute “owned by this
6 state except those that are”.

7 ✓ *b0226/5.13*76. Page 94, line 4: delete “or by a purchaser, lessee, or
8 contractor” and substitute “or by a lessee”.

9 ✓ *b0226/5.14*77. Page 94, line 14: delete “, lease, or contractual
10 operation” and substitute “or lease”.

11 ✓ *b0226/5.15*78. Page 94, line 16: after “is” insert “renumbered 16.848 (1) (a)
12 and”.

13 ✓ *b0226/5.16*79. Page 94, line 17: after “(1)” insert “(a)”.

14 ✓ *b0226/5.17*80. Page 94, line 24: after “purchase” insert “or lease”.

15 ✓ *b0226/5.18*81. Page 95, line 3: after “sale” insert “or lease”.

16 ✓ *b0226/5.19*82. Page 95, line 7: after “sale” insert “or lease”.

17 ✓ *b0226/5.21*83. Page 95, line 7: delete the material beginning with “Except”
18 and ending with “plant.” on line 19 and substitute:

19 ✓ “*b0226/5.21*SECTION 125m. 16.848 (1) (b) and (c) of the statutes are created
20 to read:

21 16.848 (1) (b) If the department proposes to sell or lease any property identified
22 in par. (a), the department shall first notify the joint committee on finance in writing
23 of its proposed action. The department shall not proceed with the proposed action

change component

b0226/5.21~~83~~83. Page 95, line 19: after that line insert:

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1 unless the proposed action is approved by the committee. Together with any
2 notification, the department shall also provide all of the following:

3 1. The estimated value of the property as determined by the department and
4 by at least one qualified privately owned assessor.

5 2. The full cost of retiring any remaining public debt incurred to finance the
6 acquisition, construction, or improvement of the property.

7 3. A cost–benefit analysis that considers the short–term and long–term costs
8 and benefits to the state from selling or leasing the property.

9 4. The length and conditions of any proposed sale or lease between this state
10 and a proposed purchaser or lessee.

11 5. The estimated budgetary impact of the proposed sale or lease upon affected
12 state agencies for at least the current and following fiscal biennium.

13 6. Any other information requested by the committee.

14 (c) Except with respect to property identified in sub. (2), if any agency, as
15 defined in s. 16.52 (7), has authority to sell or lease real property under any other law,
16 the authority of that agency does not apply after the department notifies the agency
17 in writing that an offer of sale or sale, or a lease agreement, is pending with respect
18 to the property under this paragraph. If the sale or lease is not completed and no
19 further action is pending with respect to the property, the authority of the agency to
20 sell or lease the property is restored. If the department sells or leases any
21 state–owned real property under this paragraph, the department may attach such
22 conditions to the sale or lease as it finds to be necessary or appropriate to carry out
23 the sale or lease in the best interest of the state. If the department sells or leases a
24 state–owned heating, cooling, or power plant under this paragraph, the department
25 may contract with the purchaser or lessee to purchase the output of the plant.”.

1 ✓ *b0226/5.20*84. Page 95, line 7: delete “may sell the property” and substitute
2 “~~may sell the property~~ shall submit the proposed sale or lease to the joint committee
3 on finance for approval under par. (b).”.

4 ✓ *b0226/5.22*85. Page 95, line 21: delete the material beginning with “,
5 leases” and ending with “of” on line 22 and substitute “or leases”.

6 ✓ *b0226/5.23*86. Page 95, line 23: delete “, lease, or contract,” and substitute
7 “or lease,”.

8 ✓ *b0226/5.24*87. Page 96, line 1: delete the material beginning with “, leases”
9 and ending with “of” on line 2 and substitute “or leases”.

10 ✓ *b0226/5.25*88. Page 96, line 12: delete the material beginning with “,
11 leases” and ending with “of” on line 13 and substitute “or leases”.

12 ✓ *b0226/5.26*89. Page 96, line 14: delete the material beginning with “, lease”
13 and ending with “contract,” on line 15 and substitute “or lease”.

14 ✓ *b0226/5.27*90. Page 96, line 18: delete “or operated under contract”.

15 ✓ *b0226/5.28*91. Page 96, line 20: delete “agency. The” and substitute
16 “agency. Subject to approval under par. (d), the”.

17 ✓ *b0226/5.29*92. Page 96, line 24: delete “If” and substitute “Subject to
18 approval under par. (d), if”.

19 ✓ *b0226/5.30*93. Page 96, line 24: delete the material beginning with “,
20 leases” and ending with “of” on line 25 and substitute “or leases”.

21 ✓ *b0226/5.31*94. Page 97, line 4: delete the material beginning with “, lease”
22 and ending with “contract” on line 5 and substitute “or lease”.

1 ✓ ***b0226/5.32*95.** Page 97, line 6: after “to (c)” insert “and subject to approval
2 under par. (d)”.

3 ✓ ***b0226/5.33*96.** Page 97, line 12: delete “or operated under contract”.

4 ✓ ***b0226/5.34*97.** Page 97, line 13: delete “, lease, or contract” and substitute
5 “or lease”.

6 ✓ ***b0226/5.35*98.** Page 97, line 14: delete lines 14 to 15 and substitute:

7 “(d) Prior to taking any action to reallocate authorized expenditures, decrease
8 authorized positions, or lapse or transfer moneys under par. (b) or (c), the secretary
9 shall submit the proposed action in writing to the joint committee on finance. The
10 secretary shall not proceed with the proposed action unless the proposed action is
11 approved by the committee.”.

12 ✓ ***b0226/5.36*99.** Page 97, line 16: after that line insert:

13 ✓ ***b0226/5.36*SECTION 129m.** 16.848 (2) (am) of the statutes is created to read:

14 16.848 (2) (am) Subsection (1) does not apply to any property for which the cost
15 of acquisition, construction, and improvement was financed with at least 50 percent
16 federal funds or at least 50 percent gift or grant funds.”.

17 ✓ ***b0226/5.37*100.** Page 97, line 18: after that line insert:

18 ✓ ***b0226/5.37*SECTION 131m.** 16.848 (2) (gx) of the statutes is created to read:

19 16.848 (2) (gx) Subsection (1) does not apply to any property that is owned or
20 leased by the investment board.”.

21 ✓ ***b0226/5.38*101.** Page 98, line 13: after “shall” insert “first”.

22 ✓ ***b0226/5.39*102.** Page 98, line 14: after “on” insert “outstanding public debt
23 supported by the same funding source and issued under the same bonding purpose”.

1 authorization that was used to finance the acquisition, construction, or improvement
2 of the property that is sold or leased under sub. (1). If any net proceeds remain
3 thereafter, the department shall use the proceeds to pay principal and interest costs
4 on”.

5 ✓ *b0097/2.17***103.** Page 100, line 5: after that line insert:

6 ✓ “*b0097/2.17***SECTION 138m.** 16.85 (2) of the statutes is amended to read:

7 16.85 (2) To furnish engineering, architectural, project management, and other
8 building construction services whenever requisitions therefor are presented to the
9 department by any agency. The department may deposit moneys received from the
10 provision of these services in the account under s. 20.505 (1) (kc) or in the general
11 fund as general purpose revenue — earned. In this subsection, “agency” means an
12 office, department, independent agency, institution of higher education, association,
13 society, or other body in state government created or authorized to be created by the
14 constitution or any law, which is entitled to expend moneys appropriated by law,
15 including the legislature and the courts, but not including an authority created in
16 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 237, 238, or 279.”.

17 ✓ *b0291/P3.2***104.** Page 101, line 12: delete “selected by” and substitute
18 “identified by the”.

19 ✓ *b0001/P6.1***105.** Page 101, line 13: before “department” insert “the”.

20 ✓ ✓ *b0001/P6.2***106.** Page 102, line 12: delete “(14) (e)” and substitute “(14) (d)”.

21 ✓ *b0291/P3.3***107.** Page 102, line 12: delete “(14) (e)” and substitute “(14) (d)”.

22 ✓ *b0291/P3.4***108.** Page 103, line 13: after “contract” insert “and is able to
23 obtain a 100 percent performance bond and a separate 100 percent payment bond”.

b0291/P3.6[✓] Page 104, line 11: before "member" insert:

1 *b0291/P3.5***109.** Page 104, line 10: delete that line and substitute

2 "disciplined under a professional license."[✓]

3 "L. In any jurisdiction, none of the bidder's employees and no".

4 ✓*b0291/P3.6***110.** Page 104, line 12: after "license" insert "that is currently
5 in use".

6 ✓*b0291/P3.7***111.** Page 104, line 20: after "(a)" insert "1".

7 ✓*b0291/P3.8***112.** Page 104, line 21: delete "necessary" and substitute "the".

8 ✓*b0291/P3.9***113.** Page 104, line 22: after "subcontractors who" insert "have
9 submitted the lowest bids and who".

10 ✓*b0291/P3.10***114.** Page 104, line 23: delete "bidders and a" and substitute
11 "bidders. A".

12 ✓*b0291/P3.11***115.** Page 104, line 24: delete "selected subcontractors" and
13 substitute "subcontractors so identified".

14 ✓*b0291/P3.12***116.** Page 104, line 24: after that line insert:

15 "2. In any project under this section that is let under s. 13.48 (19), the
16 department shall identify, as provided under par. (b), the mechanical, electrical, or
17 plumbing subcontractors who have submitted the lowest bids and who are qualified
18 responsible bidders. The contractor awarded a contract under s. 13.48 (19) shall
19 contract with the mechanical, electrical, or plumbing subcontractors so identified."

20 ✓*b0291/P3.13***117.** Page 105, line 1: delete "selecting" and substitute
21 "identifying".

22 ✓*b0291/P3.14***118.** Page 105, line 3: delete lines 3 to 9 and substitute
23 "requirements and procedures under sub. (2). Within 48 hours of the deadline for a

1 mechanical, electrical, or plumbing contractor to submit a bid, the department shall
2 post on the department Internet site the names of the bidders and the amount of each
3 bid. No more than 5 days after the deadline, the department shall post on its Internet
4 site and provide public notice of the lowest bidders who are qualified responsible
5 bidders. The department shall post on its Internet site the bids, including the bid
6 documents, identified under this paragraph as the lowest bids and they shall be open
7 to public inspection under s. 19.35 (1). No other bids under this”.

8 ✓ ***b0291/P3.15*119.** Page 106, line 2: after “contracting.” insert “The
9 department may not request or accept any alternate bids when letting a construction
10 project through single prime contracting.”.

11 ✓ ***b0291/P3.16*120.** Page 106, line 3: after “is” insert “renumbered 16.855
12 (14) (b) 1. and”.

13 ✓ ***b0291/P3.17*121.** Page 106, line 4: after “(b)” insert “1.”.

14 ✓ ***b0291/P3.18*122.** Page 106, line 7: delete “paragraph,” and substitute
15 “paragraph subdivision,”.

16 ✓ ***b0291/P3.19*123.** Page 106, line 8: after that line insert:

17 ✓ ***b0291/P3.19*SECTION 149b.** 16.855 (14) (b) 2. of the statutes is created to
18 read:

19 16.855 (14) (b) 2. The state is not liable for any damages to a subcontractor
20 identified under sub. (13) (a) that enters into a contract with a general prime
21 contractor under par. (e).”.

22 ✓ ***b0291/P3.20*124.** Page 106, line 12: delete “7 days” and substitute “5 days”.

1 ✓ ***b0291/P3.21*125.** Page 106, line 13: after “(13) (b).” insert “Within 48 hours
2 of the deadline for a general prime contractor to submit a bid, the department shall
3 post on the department’s Internet site the tabulations of all bids that identify the
4 names of the general prime contractors that bid and the amount of each bid and shall
5 make the tabulations and amounts available at the department if they are
6 unavailable on the department’s Internet site.”.

7 ✓ ***b0291/P3.22*126.** Page 106, line 17: delete “selected” and substitute
8 “identified”.

9 ✓ ***b0291/P3.23*127.** Page 106, line 21: after “par. (bm)” insert “for bidders for
10 the general prime contractor to submit their bids”.

11 ***b0291/P3.24*128.** Page 106, line 22: delete the material beginning with
12 “successful” and ending with “selection.” on line 23 and substitute “general prime
13 contractor bidder that was awarded the contract under par. (d).”.

14 ✓ ***b0291/P3.26*129.** Page 106, line 24: after “(13) (a)” insert “, shall ensure
15 that any contract meets the requirements under sub. (14m) (a) and (b).”.

16 ✓ ***b0291/P3.25*130.** Page 106, line 24: delete “selected” and substitute
17 “identified”.

18 ✓ ***b0291/P3.27*131.** Page 106, line 25: after “(14m)” insert “(c) and (d)”.

19 ✓ ***b0291/P3.28*132.** Page 107, line 6: delete lines 6 to 19 and substitute:

20 “16.855 (14m) (a) Any contract entered into between a general prime
21 contractor and a subcontractor under sub. (14) (e) must contain all of the following
22 clauses:

1 **Prompt Payment.** (General prime contractor) shall pay (mechanical,
2 electrical, or plumbing subcontractor) in accordance with section 16.855 (19) (b),
3 Wisconsin stats., for work that has been satisfactorily completed and properly
4 invoiced by (mechanical, electrical, or plumbing subcontractor). A payment is timely
5 if it is mailed, delivered, or transferred to (mechanical, electrical, or plumbing
6 subcontractor) by the deadline under section 16.855 (19) (b), Wisconsin stats.

7 If (mechanical, electrical, or plumbing subcontractor) is not paid by the
8 deadline in this contract, (general prime contractor) shall pay interest on the balance
9 due from the eighth day after the (general prime contractor) receives payment from
10 the Department of Administration for the work for which payment is due and owing
11 to (mechanical, electrical, or plumbing subcontractor), at the rate specified in section
12 71.82, Wisconsin stats., compounded monthly.

13 A (mechanical, electrical, or plumbing subcontractor) that receives payment as
14 provided under this contract and that subcontracts with another entity shall pay
15 those subcontractors, and be liable for interest on late payments to those
16 subcontractors, in the same manner as (general prime contractor) is required to pay
17 (mechanical, electrical, or plumbing subcontractor) under this contract.

18 **Insurance and Bonds.** (Mechanical, electrical, or plumbing subcontractor)
19 shall not commence work under this contract until it has obtained all necessary
20 insurance required of (mechanical, electrical, or plumbing subcontractor) in the
21 contract between the (general prime contractor) and the Department of
22 Administration.

23 (Mechanical, electrical, or plumbing subcontractor) shall provide a separate
24 100 percent performance bond and a separate 100 percent payment bond to the
25 benefit of the (general prime contractor) as the sole named obligee. Original bonds

1 shall be given to the (general prime contractor) and a copy shall be given to the
2 Department of Administration no later than 10 days after execution of this contract.

3 **Indemnification.** To the fullest extent permitted by law, (mechanical,
4 electrical, or plumbing subcontractor) shall defend, indemnify, and hold harmless
5 (general prime contractor) and its officers, directors, agents, and any others whom
6 (general prime contractor) is required to indemnify under its contract with the
7 department, and the employees of any of them, from and against claims, damages,
8 fines, penalties, losses, and expenses, including but not limited to attorney fees,
9 arising in any way out of or resulting from the performance of the work under this
10 contract, but only to the extent such claim, damage, fine, penalty, loss, or expense:
11 (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or
12 destruction of property, including but not limited to loss of use resulting therefrom
13 and is caused by the negligence, or acts or omissions, of (mechanical, electrical, or
14 plumbing subcontractor), its subcontractors, any of their employees, and anyone
15 directly or indirectly employed by them or anyone for whose acts they may be liable,
16 or (2) as related to such claims, damages, fines, penalties, losses, and expense of or
17 against (general prime contractor), results from or arises out of the negligence of
18 (general prime contractor) or other fault in providing general supervision or
19 oversight of the work of (mechanical, electrical, or plumbing subcontractor) or (3) as
20 related to claims, damages, fines, penalties, losses, and expense against the
21 Department of Administration, arises out of the department's status as owner of the
22 project or project site.

23 In addition (mechanical, electrical, or plumbing subcontractor) shall defend,
24 indemnify, and hold harmless (general prime contractor) and its officers, directors,
25 agents, and any others (general prime contractor) is required to indemnify under its

1 contract with the department, and the employees of any of them, from any liability,
2 including liability resulting from a violation of any applicable safe place act, that
3 (general prime contractor) or the state incurs to any employee of (mechanical,
4 electrical, or plumbing subcontractor) or any third party where the liability arises
5 from a derivative claim from said employee, when the liability arises out of the
6 failure of the (general prime contractor) or the state to properly supervise, inspect,
7 or approve the work or work area of (mechanical, electrical, or plumbing
8 subcontractor), but only to the extent that the liability arises out of the acts or
9 omissions of (mechanical, electrical, or plumbing subcontractor), its employees, or
10 anyone for whom (mechanical, electrical, or plumbing subcontractor) may be liable,
11 or from (mechanical, electrical, or plumbing subcontractor's) breach of its
12 contractual responsibilities or arises out of (general prime contractor's) negligence
13 or other fault in providing general supervision or oversight of (mechanical, electrical,
14 or plumbing subcontractor's) work or arises out of the Department of
15 Administration's status as owner of the project or project site. In claims against
16 (general prime contractor) or the state by an employee of (mechanical, electrical, or
17 plumbing subcontractor) or its subcontractors or anyone for whose acts (mechanical,
18 electrical, or plumbing subcontractor) may be liable, the indemnification obligation
19 of this paragraph is not limited by a limitation on amount or type of damage,
20 compensation, or other benefits payable by or for the (mechanical, electrical, or
21 plumbing subcontractor) or its subcontractors under workers' compensation act.

22 Except as identified above, the obligations of (mechanical, electrical, or
23 plumbing subcontractor) under this indemnification do not extend to the liability of
24 (general prime contractor) and its agents or employees arising out of (1) preparation
25 or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or

1 specifications; (2) the giving of or failure to give directions or instructions by the
2 (general prime contractor) or the Department of Administration or their agents or
3 employees provided the giving or failure to give is the cause of the injury or damage;
4 or (3) the acts or omissions of other subcontractors.

5 **Retainage.** Retainage shall occur and be in amounts and on a schedule equal
6 to that in the contract between (general prime contractor) and the Department of
7 Administration.

8 (b) A contract entered into under sub. (14) (e) between a general prime
9 contractor and a mechanical, electrical, or plumbing subcontractor must include a
10 scope of work clause that is identical to the scope of work clause on which the
11 mechanical, electrical, or plumbing subcontractor bid under sub. (13).

12 (c) 1. Except as provided in subd. 2., a general prime contractor and a
13 mechanical, electrical, or plumbing subcontractor may not enter any agreement
14 other than the contract entered into under sub. (14) (e) if the agreement is in
15 connection with bids submitted under sub. (13) or (14) that would alter or affect the
16 scope or price of the contract entered into under sub. (13) or (14) (e).

17 2. The prohibition under subd. 1. does not apply to change orders by the
18 department that result in changes to the plans or specifications or to back charges
19 allowed by the contract under sub. (13).

20 (d) The general prime contractor shall base its project schedule on the schedule
21 in the specifications or bid instructions under sub. (2) (a) unless otherwise agreed to
22 by the mechanical, electrical, or plumbing subcontractor.”.

23 ✓ ***b0291/P3.29*133.** Page 107, line 24: delete “done” and substitute “done
24 properly completed”.

1 ✓ ***b0291/P3.30*134.** Page 108, line 19: delete “done,” and substitute “properly
2 completed.”

3 ✓ ***b0291/P3.31*135.** Page 109, line 6: delete the material beginning with “for
4 the work” and ending with “performed” on line 7.

5 ✓ ***b0097/2.18*136.** Page 109, line 7: after that line insert:

6 ✓ ***b0097/2.18*SECTION 155d.** 16.865 (8) of the statutes is amended to read:

7 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
8 proportionate share of the estimated costs attributable to programs administered by
9 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
10 may charge premiums to agencies to finance costs under this subsection and pay the
11 costs from the appropriation on an actual basis. The department shall deposit all
12 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
13 Costs assessed under this subsection may include judgments, investigative and
14 adjustment fees, data processing and staff support costs, program administration
15 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
16 subsection, “agency” means an office, department, independent agency, institution
17 of higher education, association, society, or other body in state government created
18 or authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 231, 232, 233, 234, 237, 238, or 279.”

22 ✓ ***b0225/2.1*137.** Page 109, line 7: after that line insert:

23 ✓ ***b0225/2.1*SECTION 155m.** 16.88 of the statutes is amended to read:

1 **16.88 Charges against projects.** The cost of services furnished pursuant to
2 s. 16.85 (2) to (4), (6) and (7) shall be charged to and paid out of available funds for
3 the respective projects, whenever in the judgment of the secretary the charges are
4 warranted and the cost of the services can be ascertained with reasonable accuracy.
5 The costs assessed under this section during each fiscal year shall be based upon the
6 amount authorized for that fiscal year under s. 20.505 (1) (kc).”.

7 ✓ ***b0349/2.1*138.** Page 119, line 15: after that line insert:

8 ✓ ***b0349/2.1*SECTION 185g.** 16.965 (2) of the statutes is amended to read:

9 16.965 (2) From the appropriations under s. 20.505 (1) (cm) and ~~(if)~~ (ud), the
10 department may provide grants to local governmental units to be used to finance the
11 cost of planning activities, including contracting for planning consultant services,
12 public planning sessions and other planning outreach and educational activities, or
13 for the purchase of computerized planning data, planning software or the hardware
14 required to utilize that data or software. The department shall require any local
15 governmental unit that receives a grant under this section to finance a percentage
16 of the cost of the product or service to be funded by the grant from the resources of
17 the local governmental unit. The department shall determine the percentage of the
18 cost to be funded by a local governmental unit based on the number of applications
19 for grants and the availability of funding to finance grants for the fiscal year in which
20 grants are to be provided. A local governmental unit that desires to receive a grant
21 under this subsection shall file an application with the department. The application
22 shall contain a complete statement of the expenditures proposed to be made for the
23 purposes of the grant. No local governmental unit is eligible to receive a grant under

1 this subsection unless the local governmental unit agrees to utilize the grant to
2 finance planning for all of the purposes specified in s. 66.1001 (2).

3 *b0349/2.1*SECTION 185r. 16.967 (3) (cm) of the statutes is created to read:

4 16.967 (3) (cm) Provide standards for the preparation of countywide plans for
5 land records modernization under s. 59.72 (3) (b), including a list of minimum
6 elements to be addressed in the plan.”.

7 ✓ *b0349/2.2*139. Page 119, line 18: after that line insert:

8 ✓ “*b0349/2.2*SECTION 186b. 16.967 (6) of the statutes is renumbered 16.967 (6)

9 (a).

10 ✓ *b0349/2.2*SECTION 186f. 16.967 (6) (b) of the statutes is created to read:

11 16.967 (6) (b) No later than January 1, 2017, the department shall submit to
12 the members of the joint committee on finance a report on the progress in developing
13 a statewide digital parcel map.

14 ✓ *b0349/2.2*SECTION 186k. 16.967 (7) (a) 2m. of the statutes is created to read:

15 16.967 (7) (a) 2m. In coordination with the department, the creation,
16 maintenance, or updating of a digital parcel map.

17 ✓ *b0349/2.2*SECTION 186p. 16.967 (7) (am) of the statutes is created to read:

18 16.967 (7) (am) 1. Subject to subds. 2. and 3., the department shall award land
19 information system base budget grants for eligible projects under par. (a) to enable
20 a county land information office to develop, maintain, and operate a basic land
21 information system.

22 2. The minimum amount of a grant under this paragraph is determined by
23 subtracting the amount of fees that the county retained under s. 59.72 (5) (b) in the
24 preceding fiscal year from \$100,000. The department is not required to award a

1 grant to a county that retained at least \$100,000 in fees under s. 59.72 (5) (b) in the
2 preceding fiscal year.

3 3. If the moneys available for grants under this paragraph in a fiscal year are
4 insufficient to pay all amounts determined under subd. 2., the department shall
5 establish a system to prorate the grants.

6 ✓ ***b0349/2.2*SECTION 186s.** 16.967 (7) (b) of the statutes is amended to read:

7 16.967 (7) (b) In addition to any other grant received under this subsection, the
8 department may award a grant to any county in an amount not ~~exceeding \$300 less~~
9 than \$1,000 per year to be used for the training and education of county employees
10 for the design, development, and implementation of a land information system.

11 ✓ ***b0349/2.2*SECTION 186w.** 16.967 (7m) of the statutes is renumbered 16.967
12 (7m) (a).

13 ✓ ***b0349/2.2*SECTION 186y.** 16.967 (7m) (b) of the statutes is created to read:

14 16.967 (7m) (b) If the department determines that a county has violated s.
15 59.72, the department shall suspend the eligibility of the county to receive grants
16 under sub. (7) and, after June 30, 2017, the county shall be eligible to retain only \$6
17 of the portion of each fee submitted to the department under s. 59.72 (5) (a). After
18 not less than one year, if the department determines that the county has resolved the
19 violation, the department may reinstate the eligibility of the county for grants under
20 sub. (7) and for retaining \$8 of the portion of each fee submitted to the department
21 under s. 59.72 (5) (a).”.

22 ✓ ***b0232/P3.1*140.** Page 120, line 3: delete lines 3 to 22 and substitute:

23 ✓ ***b0232/P3.1*SECTION 188m.** 16.972 (3) of the statutes is created to read:

1 16.972 (3) (a) An executive branch agency other than the Board of Regents of
2 the University of Wisconsin System may jointly submit with the department a
3 written request to the joint committee on finance for review under par. (c) related to
4 the transfer of any of the following:

5 1. Positions in the executive branch agency that are related to the provision of
6 information technology infrastructure services in that executive branch agency.

7 2. Information technology equipment associated with the provision of
8 information technology infrastructure services in that executive branch agency.

9 3. Information technology systems associated with the provision of information
10 technology infrastructure services in that executive branch agency.

11 (b) The department and the executive branch agency other than the Board of
12 Regents of the University of Wisconsin System shall include in the written request
13 under par. (a) the following proposed terms:

14 1. The proposed salary and fringe benefits costs to be paid for any positions
15 transferred from the executive branch agency to the department. If an incumbent
16 employee holds a position proposed to be transferred under this subdivision, the
17 executive branch agency shall, subject to approval under par. (c), transfer the
18 incumbent employee. The department shall determine the probationary status
19 under s. 230.28 of any transferred employee, except that the employee shall receive
20 credit towards his or her probationary period for the time that the employee had been
21 employed in any unclassified position immediately prior to the transfer.

22 2. The proposed cost of information technology equipment or systems
23 transferred from the executive branch agency to the department.

24 3. The proposed cost to the department to provide information technology
25 infrastructure services to the executive branch agency.

1 4. The manner in which the department and the executive branch agency will
2 address concerns related to the privacy of information transferred to the
3 department.

4 (c) If the cochairpersons of the joint committee on finance do not notify the
5 department and the executive branch agency that the committee has scheduled a
6 meeting for the purpose of reviewing the request under par. (a) within 14 working
7 days after the date of the written request, the department may approve the proposal
8 upon the proposed terms and assess the executive branch agency for the costs
9 specified in the written request. If, within 14 working days after the date of the
10 written request, the cochairpersons of the committee notify the department and the
11 executive branch agency that the committee has scheduled a meeting for the purpose
12 of reviewing the request, the department shall not approve the proposal relating to
13 positions, information technology equipment, or information technology systems
14 related to the provision of information technology infrastructure services unless the
15 request is approved by the committee and may not assess the executive branch
16 agency for the costs specified in the written request unless the costs are approved by
17 the committee, whether as proposed in the written request or as modified by the
18 committee.

19 (d) The department shall credit to the appropriation account under s. 20.505
20 (1) (kk) all moneys received from executive branch agencies pursuant to the written
21 request reviewed by the joint committee on finance under par. (c).”.

22 ✓ ***b0231/P4.1*141.** Page 120, line 23: delete the material beginning with that
23 line and ending with page 121, line 4, and substitute:

24 ✓ **“*b0231/P4.1*SECTION 188y.** 16.974 (1) of the statutes is amended to read:

1 16.974 (1) Establish and collect assessments and charges for all authorized
2 services provided by the department, subject to applicable agreements under sub-
3 subs. (2) and (2m).

4 ✓ *b0231/P4.1*SECTION 189r. 16.974 (2m) of the statutes is created to read:

5 16.974 (2m) Enter into and enforce an agreement with an individual to provide
6 services authorized to be provided by the department to that individual at a cost
7 established pursuant to rules promulgated by the department governing the fee to
8 be charged for such services and specified in the agreement.”.

9 ✓ *b0231/P4.2*142. Page 121, line 17: delete “individual,”.

10 ✓ *b0231/P4.3*143. Page 121, line 19: delete “individual,”.

11 ✓ *b0231/P4.4*144. Page 121, line 19: after “tribal school.” insert “The
12 department may charge an individual for such costs as a component of any services
13 provided by the department to that individual, but only pursuant to rules
14 promulgated by the department governing the fee to be charged for such costs.”.

15 ✓ *b0131/3.1*145. Page 122, line 10: delete the material beginning with that
16 line and ending with page 123, line 12.

17 ✓ *b0073/P4.1*146. Page 123, line 16: after that line insert:

18 ✓ “*b0073/P4.1*SECTION 193o. 19.42 (10) (sm) of the statutes is amended to
19 read:

20 19.42 (10) (sm) The employees of the Wisconsin Economic Development
21 Corporation and the members of the board of directors of the Wisconsin Economic
22 Development Corporation employed in the private sector who are appointed by the
23 speaker of the assembly and the senate majority leader.

24 ✓ *b0073/P4.1*SECTION 193q. 19.42 (13) (om) of the statutes is amended to read:

1 19.42 (13) (om) The employees of the Wisconsin Economic Development
2 Corporation and the members of the board of directors of the Wisconsin Economic
3 Development Corporation employed in the private sector who are appointed by the
4 speaker of the assembly and the senate majority leader.”.

5 ✓*b0261/2.2*147. Page 123, line 16: after that line insert:

6 ✓**b0261/2.2*SECTION 193v. 20.002 (11) (a) of the statutes is amended to read:

7 20.002 (11) (a) All appropriations, special accounts and fund balances within
8 the general fund or any segregated fund may be made temporarily available for the
9 purpose of allowing encumbrances or financing expenditures of other general or
10 segregated fund activities ~~which do not have sufficient~~ or for the purpose of financing
11 unemployment insurance benefits from the unemployment reserve fund under par.
12 (b) 3m. whenever there are insufficient moneys in the funds or accounts from which
13 they the activities are financed but have or whenever there are insufficient moneys
14 in the unemployment reserve fund to pay unemployment insurance benefit
15 payments if there are accounts receivable balances or moneys anticipated to be
16 received from lottery proceeds, as defined in s. 25.75 (1) (c), tax or contribution
17 revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s.
18 16.52 (2) that will be sufficient to repay the fund or account from which moneys are
19 transferred. The secretary of administration shall determine the composition and
20 allowability of the accounts receivable balances and anticipated moneys to be
21 received for this purpose in accordance with s. 20.903 (2) and shall specifically
22 approve the use of surplus moneys from the general or segregated funds after
23 consultation with the appropriate state agency head for use by specified accounts or
24 programs. The secretary of administration shall reallocate available moneys from

1 the budget stabilization fund under s. 16.465 prior to reallocating moneys from any
2 other fund.

3 ✓ ***b0261/2.2*SECTION 193w.** 20.002 (11) (b) 1. of the statutes is amended to read:
4 20.002 (11) (b) 1. The Except with respect to reallocations made under subd.
5 3m., the secretary of administration shall limit the total amount of any temporary
6 reallocations to a fund other than the general fund to \$400,000,000.”.

7 ✓ ***b0268/5.1*148.** Page 123, line 16: after that line insert:

8 ✓ ***b0268/5.1*SECTION 193e.** 18.08 (1) (a) 2. of the statutes is amended to read:
9 18.08 (1) (a) 2. Any such moneys that represent ~~premium or~~ any payments
10 received pursuant to any agreement or ancillary arrangement entered into under s.
11 18.06 (8) (a) with respect to any such public debt may be credited to one or more of
12 the sinking funds of the bond security and redemption fund or to the capital
13 improvement fund, as determined by the commission.

14 ✓ ***b0268/5.1*SECTION 193f.** 18.08 (1) (a) 3. of the statutes is created to read:
15 18.08 (1) (a) 3. Premiums required for deposit in reserve funds or those
16 necessary to make cost of issuance and other ancillary payments may be credited to
17 one or more of the sinking funds of the bond security and redemption fund or to the
18 capital improvement fund, as determined by the commission.

19 ✓ ***b0268/5.1*SECTION 193h.** 18.08 (1m) of the statutes is created to read:
20 18.08 (1m) With respect to premium proceeds deposited in the capital
21 improvement fund, all of the following shall apply:

22 (a) Premium proceeds shall first be used for the purposes for which the bonds
23 were issued in proportion to the par value of the bond issue. If the premiums are used

1 for the purposes, the authorized bonding authorization for those purposes is reduced
2 by the amount of premiums that are used.

3 (b) Any premiums not used for the purposes for which bonding was authorized
4 may be used for other purposes, as determined by the commission. If the premiums
5 are used for any other purposes, the authorized bonding authorization for those
6 purposes is reduced by the amount of premiums that are used.”.

7 ✓ ***b0043/1.1*149.** Page 123, line 17: delete lines 17 to 24 and substitute:

8 ✓ ***b0043/1.1*SECTION 194m.** 20.002 (11) (b) 2. of the statutes is amended to
9 read:

10 20.002 (11) (b) 2. Except as provided in subd. 3, the secretary of administration
11 shall limit the total amount of any temporary reallocations to the general fund at any
12 one time during a fiscal year to an amount equal to 5% of the total amounts shown
13 in the schedule under s. 20.005 (3) of appropriations of general purpose revenues,
14 calculated by the secretary as of that time and for that fiscal year. During the
15 ~~2011–13~~ 2013–15 fiscal biennium, the amount that may be reallocated under this
16 subdivision during a fiscal year may not exceed 9 percent of such revenues.”.

17 ✓ ***b0261/2.3*150.** Page 123, line 24: after that line insert:

18 ✓ ***b0261/2.3*SECTION 194c.** 20.002 (11) (b) 3m. of the statutes is created to
19 read:

20 20.002 (11) (b) 3m. Upon request of the secretary of workforce development
21 under s. 108.16 (13), the secretary of administration may temporarily transfer
22 moneys available under par. (a) to the unemployment reserve fund. The secretary
23 of administration shall credit repayments received from the unemployment reserve
24 fund to the funds or accounts from which the transfer was made. The transfers

1 outstanding under this subdivision may not exceed a total of \$50,000,000 at any
2 time. No transfer may be made under this subdivision unless the secretary of
3 administration first submits written notice to the cochairpersons of the joint
4 committee on finance that the transfer is proposed to be made. If the cochairpersons
5 of the committee do not notify the secretary of administration that the committee has
6 scheduled a meeting for the purpose of reviewing the proposed transfer within 30
7 days after the date of the secretary's notification, the transfer may be made as
8 proposed by the secretary. If, within 30 days after the date of notification by the
9 secretary of administration, the cochairpersons of the committee notify the secretary
10 that the committee has scheduled a meeting for the purpose of reviewing the
11 proposed transfer, the transfer may be made under this subdivision only upon
12 approval of the committee.

13 ✓ *b0261/2.3*SECTION 194d. 20.002 (11) (c) of the statutes is amended to read:

14 20.002 (11) (c) The secretary may assess a special interest charge against the
15 programs or activities utilizing surplus moneys within the same fund under this
16 subsection in an amount not to exceed the daily interest earnings rate of the state
17 investment fund during the period of transfer of surplus moneys to other accounts
18 or programs. Except as provided in s. 16.465 and except with respect to transfers
19 made under par. (b) 3m., the secretary shall assess a special interest charge against
20 the fund utilizing surplus moneys under this subsection in an amount equal to the
21 rate of return the state investment fund earnings would have created to the fund
22 from which the reallocation was made. This interest shall be calculated and credited
23 to the appropriate fund at the same time the earnings from the state investment fund
24 are distributed and shall be considered an adjustment to those earnings.

1 ✓ ***b0261/2.3*SECTION 194e.** 20.002 (11) (d) (intro.) of the statutes is amended
2 to read:

3 20.002 (11) (d) (intro.) This Except with respect to transfers made under par.
4 (b) 3m., this subsection applies only to those funds participating in the investment
5 fund for purposes of temporary reallocation between funds or accounts and does not
6 include. No transfer may be made under this subsection from any of the following
7 funds or specified accounts in these funds:”.

8 ✓ ***b0058/P2.2*151.** Page 124, line 6: after that line insert:

9 ✓ ***b0058/P2.2*SECTION 197p.** 20.004 (2) of the statutes is amended to read:
10 20.004 (2) Immediately following the final adjournment of the legislature, or
11 at convenient intervals prior thereto, the department of administration shall amend
12 the schedule and summaries set forth in s. 20.005 to include all fiscal acts of the
13 legislature, and submit the composite amended schedule and summaries to the joint
14 committee on finance for approval. When approved, the department of
15 administration shall then submit the schedule and summaries to the legislative
16 reference bureau, which shall print the revised schedules and summaries of all state
17 funds in the ensuing issue edition of the biennial Wisconsin statutes printed under
18 s. 35.18 (1) (a) as part of s. 20.005 and in lieu of the schedules and summaries printed
19 in the preceding issue edition of the biennial Wisconsin statutes. If any conflict exists
20 between ss. 20.115 to 20.875 and s. 20.005, ss. 20.115 to 20.875 shall control and s.
21 20.005 shall be changed to correspond with ss. 20.115 to 20.875. All appropriations
22 are to be rounded to the nearest \$100 and if any appropriation is made which is not
23 so rounded the department of administration, when preparing the composite

(B) 1 amended schedule and summaries, shall show the appropriation increased to the
2 next \$100.”.

3 *b0086/2.1***152**. Page 336, line 6: delete lines 6 to 8.

4 (C) *b0015/P6.1***153**. Page 336, line 8: after that line insert:

5 “*b0015/P6.1***SECTION 202u**. 20.115 (4) (cm) of the statutes is created to read:

6 20.115 (4) (cm) *Farmland preservation grants*. A sum sufficient for farmland
7 preservation grants under s. 91.90.”.

8 *b0107/1.1***154**. Page 336, line 8: after that line insert:

9 “*b0107/1.1***SECTION 202s**. 20.115 (2) (q) of the statutes is amended to read:

10 20.115 (2) (q) *Animal health inspection, testing and enforcement*. From the
11 ~~agricultural chemical cleanup~~ agrchemical management fund, the amounts in the
12 schedule for animal health inspection and testing and for enforcement of animal
13 health laws.”.

14 *b0047/P5.1***155**. Page 336, line 13: after that line insert:

15 “*b0047/P5.1***SECTION 204m**. 20.144 (1) (h) of the statutes is amended to read:

16 20.144 (1) (h) *Gifts, grants, settlements and publications*. All moneys received
17 from gifts, grants, bequests, forfeitures under s. 426.203, and settlements for the
18 purposes for which made or received and for the transfer under 2013 Wisconsin Act
19 (this act), section 9214 (1L), and all moneys received by the department as fees
20 or other charges for photocopying, microfilm copying, generation of copies of
21 documents from optical disk storage, sales of books and other services provided in
22 carrying out the functions of the department, for the purposes for which the moneys
23 were received or collected.”.

24 *b0131/3.2***156**. Page 336, line 13: after that line insert: